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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**
10

11 GREAT AMERICAN INSURANCE
12 GROUP, an Ohio corporation,

13 Plaintiff,

14 v.

15 TG ASSOCIATES, LLC, A CALIFORNIA
16 LIMITED LIABILITY COMPANY; and
17 others,

18 Defendants.

Case No. 14-cv-01546 NC

**ORDER TO SUPPLEMENT
MOTION TO APPOINT
GUARDIAN AD LITEM**

Re: Dkt. No. 45

19 Before the Court is an administrative motion filed by Larry Deatherage seeking a
20 Court order appointing him as a guardian ad litem for defendant Kenneth Rawlings. Dkt.
21 No. 45. The motion states that “[b]ecause Mr. Rawlings is 81 years old and has been
22 diagnosed with dementia, Mr. Rawlings lacks the capacity to defend an action against him
23 without the appointment of a guardian ad litem.” *Id.* at 2. The motion, however, does not
24 provide factual support for the assertion that Rawlings suffers from dementia, such that he
25 “lacks the capacity to understand the nature or consequences of the proceeding, or is unable
26 to assist counsel in the preparation of the case.” *See Golden Gate Way, LLC v. Stewart*, No.
27 09-cv-04458 DMR, 2012 WL 4482053, at *2 (N.D. Cal. Sept. 28, 2012) (citing *In re*
28 *Jessica G.*, 93 Cal. App. 4th 1180, 1186 (2001); Cal. Civ. Proc. Code § 372; *In re Sara D.*,

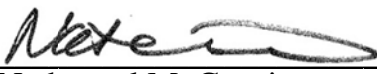
Case No. 14-cv-01546 NC
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TO APPOINT GUARDIAN AD LITEM

1 87 Cal. App. 4th 661, 666-67 (2001)). Deatherage must supplement his motion to provide
2 such factual support by December 17, 2014.

3 Furthermore, “[a] guardian ad litem may be appointed for an incompetent adult only
4 (1) if he or she consents to the appointment or (2) upon notice and hearing.” *Golden Gate*
5 *Way*, 2012 WL 4482053, at *3 (citing *Jessica G.*, 93 Cal. App. 4th at 1187-88). Here, the
6 motion does not show that Rawlings received notice of Deatherage’s motion to be
7 appointed as a guardian ad litem. The motion also does not show whether Rawlings
8 consents to the appointment, or whether a person with a power of attorney consents on his
9 behalf. Deatherage must supplement his motion by December 17, 2014, to show Rawlings’
10 consent, or that notice of the motion has been given to Rawlings.

11 IT IS SO ORDERED.

12 Date: December 8, 2014



Nathanael M. Cousins
United States Magistrate Judge